

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
WEDNESDAY, JANUARY 5, 1983

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. on Wednesday, January 5, 1983 in the City Hall Council Chambers.

ROLL CALL Present: Council Members - Murphy, Olson, Pinkerton,
Snider, and Reid (Mayor)

Absent: Council Members - None

Also Present: City Manager Glaves, Assistant City Manager Glenn, Community Development Director Schroeder, Public Works Director Ronsko, City Attorney Stein, and City Clerk Reimche.

INVOCATION The invocation was given by Pastor Donald L. Mulvihill,
English Oaks Church.

PLEDGE The Pledge of Allegiance was led by Mayor Reid

PRESENTATIONS No presentations, awards or proclamations were presented at this meeting.

REPORTS OF THE CITY MANAGER

CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, the following actions hereby set forth between asterisks, on motion of Council Member Mayor Pro Tempore Murphy, Snider second, were approved by Council.

* * * * *

CLAIMS CLAIMS WERE APPROVED IN THE AMOUNT OF \$2,577,194.02

MINUTES THE MINUTES OF DECEMBER 8, 1982 AND DECEMBER 15, 1982 WERE APPROVED AS WRITTEN.

INSTRUMENT
MAINTENANCE
SERVICE CONTRACT
FOR W.S.W.P.C.F.
APPROVED

COUNCIL APPROVED THE RENEWAL OF THE INSTRUMENT MAINTENANCE SERVICE CONTRACT WITH DIABLO CONTROL COMPANY FOR WHITE SLOUGH WATER POLLUTION CONTROL FACILITY FOR CALENDAR YEAR 1983.

SPECS FOR ANIMAL
CONTROL MID-SIZE
PICKUP TRUCK CAB
AND CHASSIS
APPROVED

COUNCIL APPROVED THE SPECIFICATIONS FOR AN ANIMAL CONTROL MID-SIZE PICK-UP TRUCK CAB AND CHASSIS AND AUTHORIZED THE PURCHASING AGENT TO ADVERTISE FOR BIDS THEREON.

AWARD - BID FOR
60 kv METERING
UNITS

City Manager Glaves presented the following bids which had been received for three single-phase, outdoor, 60 kv metering units:

<u>SUPPLIER</u>	<u>PRICE W/TAX</u>	<u>DELIVERY</u>
Ferranti-Packard	\$18,544.70	22-24 weeks
Square D Company	\$25,071.12	18-20 weeks
Westinghouse Elec.	\$32,104.22	15-17 weeks
G.E. Supply Co.	\$ No Bid	

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On recommendation of the City Manager, Council adopted the following Resolution:

RES.NO.83-1

RESOLUTION NO. 83-1

RESOLUTION AWARDDING THE BID FOR THREE SINGLE-PHASE OUTDOOR 60 KV METERING UNITS TO SQUARE D COMPANY, EMERYVILLE, THE LOWEST BIDDER MEETING CITY SPECIFICATIONS IN THE AMOUNT OF \$25,071.12.

PUBLIC HEARINGS

Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk, Mayor Reid called for the Public Hearing regarding the Declaration of Impaction dated September 7, 1982 by the Lodi Unified School District Board of Trustees.

Following introduction of the matter, Ms. Mary Joan Starr, Facility Planner for the Lodi Unified School District, spoke on behalf of the subject Declaration of Impaction and responded to questions as were posed by members of the Council.

Mr. Ellerth E. Larson, Superintendent, Lodi Unified School District also addressed the Council on the matter and responded to questions posed by the Council.

SEPTEMBER 7, 1982
DECLARATION OF
IMPACTION BY THE
LODI UNIFIED
SCHOOL DISTRICT
BOARD OF TRUSTEES
ACCEPTED

There were no other persons in the audience wishing to speak on the matter, and the public portion of the hearing was closed.

A lengthy discussion followed with questions being directed to Staff and to those persons who had given testimony.

On motion of Council Member Snider, Olson second, Council accepted the Declaration of Impaction by the Lodi Unified School District Board of Trustees, dated September 7, 1982. The motion carried by the following vote:

Ayes: Council Members - Murphy, Olson, Snider, and Reid (Mayor)

Noes: Council Members - Pinkerton

Absent: Council Members - None

PLANNING
COMMISSION

City Manager Graves gave the following report of the Planning Commission meeting of December 13, 1982.

ITEMS OF
INTEREST

The Planning Commission -

1. Conditionally approved the request of Jim Nylen on behalf of Nylen Development Company for a Use Permit to construct English Oaks Plaza, a 1.7 acre commercial shopping center proposed for the northwest corner of South Hutchins Street and Harney Lane in an area zoned P-D(4), Planned Development District No. 4.
2. Conditionally approved the request of Baumbach and Piazza, Consulting Engineers, on behalf of MCP Properties for a Tentative Parcel Map to create Parcels "A" and "B" from Lot 1, Maxwell Industrial Park at 1901 South Stockton Street in an area zoned M-2, Heavy Industrial.
3. Conditionally approved the request of Ron Addington on behalf of Grupe Communities, Inc., for the Tentative

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Subdivision Map of Lakeshore Village, Unit #2, a 66-lot single-family subdivision proposed for the southeast corner of the Lakeshore Village Project in an area zoned P-D(21), Planned Development District No. 21.

4. Temporarily approved the request of Leslie Wurzbarger for a flea market at 102, 112, and 122 Hansen Drive in an area zoned M-1, Light-Industrial, until the Planning Commission can view the operation to determine what improvements should be required.
5. Approved for one year the request of Community Hospital Use Permit for a temporary mobile office for administrative Offices at 800 South Lower Sacramento Road in an area zoned R-C-P, Residential-Commercial-Professional.

COMMUNICATIONS CITY CLERK

PUC APPLICATIONS

City Clerk Reimche presented a letter from Pacific Gas and Electric Company regarding an application being filed to include in its rate base as a Plant held for future use the cost association with its participation in the Alaska and Indonesia liquefied natural gas (LNG) project and to increase its gas rates on an annual basis by \$40.9 million, or 1.1 percent total gas revenues, to reflect the addition of these costs to its rate base.

City Clerk Reimche also presented an application of the Pacific Gas and Electric Company for authority, among other things, to increase its rates and charges for electric and gas service.

CLAIMS

On motion of Council Member Pinkerton, Murphy second, Council denied the following claims and referred them to R. L. Kautz and Company, the City's Contract Administrator.

- a) Henry C. Reiswig, DOL 9/24/82
- b) Cyé G. Vaughn, DOL 8/6/82

ABC LICENSE APPLICATIONS

City Clerk Reimche presented the following applications for ABC Licenses which had been received:

- a) The C & C Organization
Cask 'n Cleaver
1230 W. Kettleman Lane
Lodi, CA 95240
On Sale General Eating Place
- b) Patel, Kantibhai M./Sarala K.
Milk Stop
321 S. Hutchins Street
Lodi, CA 95240
Off Sale Beer and Wine

LETTER REQUESTING RECONSIDERATION OF THE ENFORCEMENT OF THE CITY ORDINANCE REGARDING CARS PARKED FACING THE "WRONG" WAY

City Clerk Reimche presented the following letter which had been received from Judy Underwood:

"Dear Council Members:

I respectfully ask that you reconsider the enforcement of the city ordinance regarding cars parked facing the "wrong" way, i.e. against the flow of traffic.

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During the holidays we had house guests from out of town who were ticketed and fined for this infraction. They had never heard of such an ordinance, although they had lived in several communities both in California and in other states.

(They thought perhaps the ordinance might be the result of a neatness fetish.)

I understand the thinking behind passage of the ordinance originally, involving possible safety hazards of starting a car facing against traffic. However it seems to me to be overly protective, especially on residential streets with little traffic. In any case, it is no more dangerous than starting off from a driveway.

My real complaint is of the unfairness of the ordinance. Visitors and newcomers to Lodi cannot be expected to be aware of such an unusual regulation. The visitors, at least, cannot even make an official objection, since they do not wish to return to town to appear in court.

I think it would be more than adequate for police to leave a warning explaining the ordinance, rather than a ticket.

It would be even better to forget about the whole thing and repeal the ordinance altogether.

"Thank you for your consideration."

Judy Underwood

Following Council discussion, Council referred the matter to City Attorney Stein.

COMMENTS BY CITY COUNCIL MEMBERS

CONGRATULATORY
LETTER SENT ON
BEHALF OF COUNCIL
TO MAJOR GENERAL
WILLARD A. SHANK

At the suggestion of Council Member Olson, City Clerk Reimche was directed to write a letter of congratulations on behalf of the Council to Major General Willard A. Shank, who has been appointed Commanding General of the California National Guard.

POSSIBILITY OF
RETAIL STORE
SELLING
BICYCLES TO
ISSUE LICENSES
FOR SAME TO BE
CHECKED INTO
BY STAFF

At the suggestion of Council Member Snider, City Manager Graves was requested to check into the possibility of having retail stores, selling bicycles, issuing the licenses for same.

COMMENTS BY THE PUBLIC ON NON AGENDA ITEMS

There were no persons in the audience wishing to speak under this segment of the agenda.

CLOSED SESSION

At approximately 9:00 p.m., the City Council met in a Closed Session to discuss matters of possible litigation. The Council reconvened at approximately 9:35 p.m.

REGULAR CALENDAR

REPORTS OF THE CITY MANAGER

TURNER ROAD
PROPERTY
ACQUISITION

Following introduction of agenda item k-1 - "Turner Road Property Acquisition", Council took the following actions:

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On motion of Mayor Pro Tempore Murphy, Olson second, Council approved a Right-of-Way Agreement with Mrs. Panagiota Anagnos which included the following provisions, and authorized the City Manager and City Clerk to execute the Agreement on behalf of the City:

2. City agrees to pay Grantor, Panagiota Anagnos, the sum of \$9,200.00 for the certain real property above described, when Grantor has transferred to City a Grant Deed for the above described parcel.
3. City agrees, in addition to the cash consideration, at no expense to the Grantor, to:
 - a. Remove and dispose of any vines required to be removed to provide adequate turning room for cultivation as determined by Grantor.
 - b. Construct, at City expense, any road, curb, gutter, sidewalk, asphalt curb or portion thereof deemed necessary for the public benefit prior to development of the remaining parcel.
 - c. Construct a berm approximately 6" high by 3' wide, south of any new street construction under 'b' above, to ensure the containment of agricultural irrigation water south of Turner Road.
 - d. Not enter onto the adjacent property with equipment or material without the prior express permission of the Grantor.
 - e. Allow Grantor to continue to farm the area acquired until such time as it is deemed necessary to construct all or a portion of the road.
 - f. Rip any areas disturbed by Construction south of the berm in 'c' above to a depth of 24".

The motion carried by unanimous vote.

1051
328-10
On motion of Council Member Pinkerton, Murphy second, Council approved a Right-of-Way Agreement between Carl E. and Janice A. Snell and the City of Lodi for the acquisition of right-of-way for the widening of Turner Road immediately west of Cluff Avenue, which Agreement included the following provisions, and authorized the City Manager and City Clerk to execute the Agreement on behalf of the City:

2. City agrees to pay Grantor, Carl E. Snell and Janice A. Snell, the sum of \$32,840.00 for the certain real property on the attached legal description, when Grantor has transferred to City a Grant Deed for said property,
3. City agrees, in addition to cash payment,
 - a. To be responsible for the installation of curb, gutter, sidewalk and street paving at such time as City deems necessary;
 - b. To allow an 18" encroachment of a fence or masonry wall in that portion of the City's right-of-way in front of the porch as it is presently constructed at this address;
 - c. That City will not require Grantor to connect the dwelling to public sewer and water facilities so long as the property is owned and used as a single family dwelling by Grantor;

Council further determined that a 2½ foot encroachment can

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be allowed under the Encroachment Permit to be issued in this matter.

On motion of Mayor Pro Tempore Murphy, Olson second, Council determined to establish four lanes of travel way, with no parking in the area obtained for right-of-way.

Agenda item k-2 - "Approve Arbitration Agreement between P G & E and NCPA" was introduced by City Manager Graves.

ARBITRATION
AGREEMENT
BETWEEN PG&E
AND NCPA
APPROVED

Following discussion, Council on motion of Council Member Snider, Murphy second, adopted Resolution No. 83-2 approving an Arbitration Agreement between P G & E and NCPA to resolve all differences between P G & E and NCPA over the inter-connection Agreement, consistent with the terms of the Diablo Canyon license conditions, such agreement to submit to binding arbitration subject to approval by attorneys before signature, and authorizing the Mayor and City Clerk to execute the subject Agreement on behalf of the City. The motion carried by unanimous vote.

RES.NO. 83-2

EXHIBIT B OF WAPA
AGREEMENT
APPROVED

RES.NO.83-3

Further, following introduction of the matter by City Manager Graves, Council on motion of Mayor Pro Tempore Murphy, Olson second, adopted Resolution No. 83-3 authorizing the Mayor and City Clerk to execute Amended Exhibit B (Contract Rate of Delivery) Western Area Power Administration Contract No. DE-MS 65-82WP59015. The Westlands Water District by letter dated 8/24/82 has notified WAPA of their intent to receive 250 kilowatts of their 42 megawatts of entitlement effective March 1, 1983. WAPA, therefore, has officially informed the City of Lodi of their intention to exercise Article 10 (c) of the Cities Power Sales Contract which specifies that each such request by Westlands, once verified as a qualified load by WAPA and P G & E will be proportionately withdrawn from the Contract Rate of Delivery.

ENTRANCE FEE
ELIMINATED AT
LODI LAKE PARK
FROM NOVEMBER 1st
TO THE END OF
FEBRUARY

Agenda item k-3 - "Review Entrance Fee at Lodi Lake" was introduced by City Manager Graves. A lengthy discussion followed with questions being directed to Staff. Council, on motion of Mayor Pro Tempore Murphy, Reid second, voted to eliminate the collection of an entrance fee at Lodi Lake Park from November 1st through the end of February. The motion carried by unanimous vote.

RETAINING OF
FIRM TO AUDIT
CITY'S SELF-INSURED
WORKERS COMPENSATION
AND LIABILITY
PROGRAMS
AUTHORIZED

Following introduction of the matter by Assistant City Manager Glenn, Council, on motion of Mayor Pro Tempore Murphy, Olson second, authorized the City Manager to enter into a Personal Services Contract with Barbara Y. Akk and Associates to audit the City's self-insured workers compensation and liability programs at a fee of \$9,250.00.

COUNCIL ADJOURNS
TO CLOSED SESSION

At approximately 10:15 p.m., Council adjourned to a Closed Session regarding labor negotiations. It was announced that the Council would not reconvene following this Closed Session.

Attest:

Alice M. Reimche
Alice M. Reimche
City Clerk